

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**ESURANCE PROPERTY AND
CASUALTY INSURANCE
COMPANY,**

Plaintiff,

vs.

LESLIE GAINES, et al.,

Defendants.

and

**TRI-CARE PHYSICAL
THERAPY, LCC,**

Counter-Plaintiff,

vs.

**ESURANCE PROPERTY AND
CASUALTY INSURANCE
COMPANY,**

Counter-Defendant.

2:20-CV-11599-TGB-EAS

HON. TERRENCE G. BERG

**ORDER GRANTING
DEFENDANT'S MOTION TO
SET ASIDE ENTRY OF
DEFAULT (ECF NO. 56)**

Before the Court is Defendant Advanced Surgery Center LLC's motion to set aside entry of default. ECF No. 56. While not clear from the filing, it appears Defendant sought concurrence as required by Local

Rule 7.1(a)(1) prior to filing this motion. *See* ECF No. 56, PageID.388 n.1. However, Plaintiff has yet to respond to Defendant's motion. Filing such a motion through the electronic filing system effectuates service and provides notice to the nonmoving party. Pursuant to E.D. Mich. Local Rule 7.1(e)(2)(B), "[a] response to a nondispositive motion must be filed within 14 days after service of the motion." Because Plaintiff has not made a timely response, the Court will **GRANT** Defendant's motion to set aside the entry of default.

SO ORDERED.

Dated: February 23, 2021 s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE